

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

INI WATSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:21-CV-1405-JAR
)	
EQH SERVICE COMPANY, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This closed employment discrimination case is before the Court upon plaintiff Ini Watson’s motion titled “Claimant’s Petition to File Out of Time Amended Complaint for Failure to Accommodate.” (ECF No. 10/filed March 17, 2022). For the reasons explained below, the Court will vacate its prior orders dismissing this action, and grant plaintiff leave to file the Amended Complaint out of time. Additionally, the Court will dismiss Marriott International, Inc. from this action, and will direct the Clerk of Court to effect service of process upon the Amended Complaint as to EQH Service Company, LLC.

The background of this case is fully set forth in the prior orders of this Court and will not be fully restated here, but the Court notes the following essential facts. Plaintiff initiated this employment discrimination action on November 30, 2021 by filing an employment discrimination complaint against EQH Service Company, LLC (“EQH”) and two individuals. She claimed she suffered employment discrimination in violation of the Americans with Disabilities Act of 1990 (“ADA”). On February 7, 2022, the Court dismissed the two individuals from this action, and determined that while plaintiff could sue her employer under the ADA, she had not clearly identified EQH as her employer. The Court directed plaintiff to file an amended

complaint to clearly identify the employer she wished to sue.

On March 16, 2022, after plaintiff failed to timely file an amended complaint, the Court dismissed the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff filed the instant motion the following day. In the motion, plaintiff can be understood to assert she was unable to timely file an amended complaint due to delays caused by the U.S. Postal Service. Attached to the motion is a proposed Amended Complaint (ECF No. 10-1), and many pages of exhibits (ECF No. 10-2). Having reviewed the motion and the attached Amended Complaint and exhibits, the Court has determined to vacate the orders dismissing this action, and grant plaintiff leave to file the Amended Complaint out of time.

The Court now addresses the Amended Complaint. Plaintiff filed the Amended Complaint against EQH and Marriott International, Inc. (“Marriott”). She clearly identifies EQH as her employer, and she alleges she was subjected to employment discrimination in violation of the ADA. She explains that EQH is an entity with 125 employees that manages and operates the Residence Inn by Marriott where she performed her job duties. Plaintiff also provides documents purporting to identify EQH as the employer she proceeded against at the administrative level, therefore tending to indicate that it was the employer to whom the previously-filed Right to Sue letter relates. Plaintiff also names Marriott as a defendant, and alleges she performed her job duties for EQH at a Residence Inn by Marriott. However, plaintiff does not clearly allege that Marriott is or was her employer, nor does she allege facts that would permit the Court to infer she had the requisite employment relationship with Marriott. The Court will therefore dismiss Marriott from this action, without prejudice, and will direct the Clerk to effect service of process upon EQH.

Accordingly,

IT IS HEREBY ORDERED that the March 16, 2022 Memorandum and Order (ECF No. 8) and Order of Dismissal (ECF No. 9) are **VACATED**.


IT IS FURTHER ORDERED that plaintiff's motion titled "Claimant's Petition to File Out of Time Amended Complaint for Failure to Accommodate" (ECF No. 10) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall detach and file, from ECF No. 10, plaintiff's Amended Complaint (ECF No. 10-1) and attach the exhibits (ECF No. 10-2) thereto.

IT IS FURTHER ORDERED that Marriott International, Inc. is **DISMISSED** from this action, without prejudice. A separate order of partial dismissal will be entered herewith.

IT IS FURTHER ORDERED that the Clerk is directed to issue process or cause process to issue upon the Amended Complaint as to defendant EQH Service Company, LLC, via its registered agent, Missouri Business Services, Inc., 9666 Olive Boulevard, Suite 690, Saint Louis, Missouri 63132.

Dated this 21st day of March, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE